

**ITEM 1**

**COMMONWEALTH OF VIRGINIA**

**DEPARTMENT OF HEALTH PROFESSIONS**

**BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND  
FAMILY THERAPISTS AND SUBSTANCE ABUSE PROFESSIONALS**

**TITLE OF REGULATIONS: 18 VAC 115-60-10 et seq.**

**REGULATIONS GOVERNING THE PRACTICE OF LICENSED SUBSTANCE  
ABUSE TREATMENT PRACTITIONERS**

**STATUTORY AUTHORITY: §54.1-2400 AND CHAPTER 35 OF THE CODE OF  
VIRGINIA**

**Proposed Regulations**

**Adopted November 13, 1998**

*These regulations are not yet in effect. The board is awaiting permission to publish these proposed regulations and solicit public comment. If you have any questions, please contact Janet Delorme at 804/662-9575.*

**PART I**  
**GENERAL PROVISIONS**

**18 VAC 115-60-10. Definitions.**

A. The following words and terms, when used in this chapter, shall have the meaning ascribed to them in §54.1-3500 of the Code of Virginia:

“Board”

“Licensed Substance Abuse Treatment Practitioner”

“Substance Abuse”

“Substance Abuse Treatment”

B. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a substance abuse treatment practitioner.

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for its examinations.

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

“Exempt setting” means an agency or institution in which licensure is not required to engage in the practice of substance abuse treatment according to the conditions set forth in § 54.1-3501 of the Code of Virginia.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Internship" means supervised, planned, practical, advanced experience obtained in the clinical setting, observing and applying the principles, methods and techniques learned in training or educational settings.

“Jurisdiction” means a state, territory, district, province or country which has granted a professional certificate or license to practice a profession, use a professional title, or hold oneself out as a practitioner of that profession.

“Non-exempt setting” means a setting which does not meet the conditions of exemption from the requirements of licensure to engage in the practice of substance abuse treatment as set forth in §54.1-3501 of the Code of Virginia.

“Regional accrediting agency” means one of the regional accreditation agencies recognized by the United States Secretary of Education responsible for accrediting senior postsecondary institutions.

“Residency” means a post-internship, supervised, clinical experience registered with the board.

“Resident” means an individual who has submitted a supervisory contract and has received board approval to provide clinical services in substance abuse treatment under supervision.

“Supervision” means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and instruction with respect to the clinical skills and competencies of the person supervised.

**18 VAC 115-60-20. Fees required by the board.**

A. The board has established the following fees applicable to licensure as a substance abuse treatment practitioner:

<u>Registration of supervision (initial)</u> .....	<u>\$ 50</u>
<u>Add/change supervisor</u> .....	<u>\$ 35</u>
<u>Licensure application</u> .....	<u>\$ 100</u>
<u>Annual license renewal</u> .....	<u>\$ 90</u>
<u>Duplicate license</u> .....	<u>\$ 15</u>
<u>Verification of license to another jurisdiction</u> .....	<u>\$ 10</u>
<u>Late renewal</u> .....	<u>\$ 25</u>
<u>Replacement of or additional wall certificate</u> .....	<u>\$ 15</u>
<u>Returned check</u> .....	<u>\$ 15</u>

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are non-refundable.

C. Examination fees shall be paid directly to the examination service according to its requirements.

**18 VAC 115-60-30. Sex Offender Treatment Provider Certification.** Anyone licensed by the board who is seeking certification as a sex offender treatment provider shall adhere to the

Regulations Governing the Certification of Sex Offender Treatment Providers, 18 VAC 125-30-10 et seq.

**PART II**  
**REQUIREMENTS FOR LICENSURE**

**18 VAC 115-60-40. Application for licensure by examination.**

Every applicant for examination for licensure by the board shall:

1. Meet the degree program, course work and experience requirements prescribed in 18 VAC 115-60-60, 18 VAC 115-60-70 and 18 VAC 115-60-80; and
2. Submit to the board office in one package, the following items, not less than 90 days prior to the date of the examination:
  - a. A completed application;
  - b. Official transcripts documenting the applicant's completion of the degree program and course work requirements prescribed in 18 VAC 115-60-60 and 18 VAC 115-60-70;
  - c. Verification of supervision forms documenting fulfillment of the experience requirements of 18 VAC 115-60-80 and copies of all required evaluation forms;
  - d. Documentation of any other professional license or certificate ever held in another jurisdiction; and
  - e. The licensure application fee.

**18 VAC 115-60-50. Pre-requisites for licensure by endorsement.**

Every applicant for licensure by endorsement shall submit in one package:

1. A completed application;
2. The licensure application fee;
3. Verification of all professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement, the applicant shall have no unresolved

disciplinary action against a license or certificate. The board will consider history of disciplinary action on a case-by-case basis;

4. Further documentation of one of the following:

- a. A current substance abuse treatment license in good standing in another jurisdiction obtained by meeting requirements substantially equivalent to those set forth in this chapter; or
- b. A mental health license in good standing in a category acceptable to the board which required completion of a master's degree in mental health to include 60 graduate semester hours in mental health; and
  - (1) Board-recognized national certification in substance abuse treatment; or
  - (2) If the master's degree was in substance abuse treatment, two years of post-licensure experience in providing substance abuse treatment; or
  - (3) If the master's degree was not in substance abuse treatment, five years of post-licensure experience in substance abuse treatment plus 12 credit hours of didactic training in the substance abuse treatment competencies set forth in 18 VAC 115-60-70 C; or
  - (4) Current substance abuse counselor certification in Virginia in good standing or a Virginia substance abuse treatment specialty licensure designation with 2 years of post-licensure or certification substance abuse treatment experience;

5. Verification of a passing score on a licensure examination as established by the jurisdiction in which licensure was obtained;

6. Official transcripts documenting the applicant's completion of the education requirements prescribed in 18 VAC 115-60-60 and 18 VAC 115-60-70; and

7. An affidavit of having read and understood the regulations and laws governing the practice of substance abuse treatment in Virginia.

**18 VAC 115-60-60. Degree program requirements.**

A. The applicant shall have completed a graduate degree from a program that prepares individuals to practice substance abuse treatment or a related counseling discipline as defined in §54.1-3500 of the Code of Virginia, from a college or university accredited by a regional accrediting agency that meets the following criteria:

1. There must be a sequence of academic study with the expressed intent to prepare counselors as documented by the institution;

2. There must be an identifiable counselor training faculty and an identifiable body of students who complete that sequence of academic study; and
3. The academic unit must have clear authority and primary responsibility for the core and specialty areas.

B. Education that does not come from a degree program meeting the requirements set forth in this section shall not be acceptable for licensure.

**18 VAC 115-60-70. Course work requirements.**

A. The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study.

B. The applicant shall have completed a general core curriculum containing a minimum of three semester hours or 4.5 quarter hours in each of the areas identified in subdivisions one through nine of this section:

1. Professional identity, function and ethics;
2. Theories of counseling and psychotherapy;
3. Counseling and psychotherapy techniques;
4. Group counseling and psychotherapy, theories and techniques;
5. Appraisal, evaluation and diagnostic procedures;
6. Abnormal behavior and psychopathology;
7. Multicultural counseling, theories and techniques;
8. Research;
9. Marriage and family systems theory; and

C. The applicant shall also have completed twelve graduate semester credit hours or eighteen graduate quarter hours in the substance abuse treatment competencies identified in subdivisions one through five of this subsection.

1. Assessment, appraisal, evaluation and diagnosis specific to substance abuse
2. Treatment planning models, client case management, interventions and treatments to include relapse prevention, referral process, step models and documentation process.
3. Understanding addictions: The biochemical, sociocultural and psychological factors of substance use and abuse.
4. Addictions and special populations to include but not limited to adolescents, women, ethnic groups and the elderly.
5. Client and community education.

D. The applicant shall have completed a supervised internship of 600 hours to include 240 hours of direct client contact. At least 450 of the internship hours and 200 of the direct client contact hours shall be in treating substance abuse-specific treatment problems.

E. One course may satisfy study in more than one content area set forth in subsections B and C of this section.

**18 VAC 115-60-80. Residency.**

A. Registration. Applicants who render substance abuse treatment services in a nonexempt setting shall:

1. With their supervisor, register their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;

2. Have submitted an official transcript documenting a graduate degree as specified in 18 VAC 115-60-60 to include completion of the internship requirement specified in 18 VAC 115-60-70.

3. Pay the registration fee.

B. Applicants in exempt settings may register supervision with the board to assure acceptability at the time of application.

C. Residency requirements.

1. The applicant for licensure shall have completed a 4,000 hour supervised residency in substance abuse treatment with various populations, clinical problems and theoretical approaches in the following areas:

a. Clinical evaluation

b. Treatment planning, documentation and implementation

c. Referral and service coordination

d. Individual and group counseling and case management

e. Client family and community education

f. Professional and ethical responsibility

2. The residency shall include a minimum of 200 hours of face-to-face sessions between supervisor and resident occurring at minimum of one hour per 20 hours of work experience during the period of the residency. No more than half of these hours may be satisfied with group supervision. One hour of group supervision will be deemed equivalent to one hour of face to face supervision. Face-to-face supervision that is not

coincident with a residency will not be accepted, nor will residency hours accrued in the absence of approved face-to-face supervision.

3. The residency shall include at least 2000 hours of face-to-face client contact with individuals, families or groups of individuals suffering from the effects of substance abuse or dependence.

4. A graduate level degree internship completed in a program that meets the requirements set forth in 18 VAC 115-60-70 may count for no more than 600 hours of the required 4,000 hours of experience. The internship shall include 20 hours of face-to-face on-site supervision, and 20 hours of face-to-face off-site supervision. Internship hours shall not begin until completion of 30 semester hours toward the graduate degree.

5. In order for a graduate level internship to be counted toward a residency, either the clinical or faculty supervisor shall be licensed as set forth in subsection C of this section.

6. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability which limits the resident's access to qualified supervision.

7. Residents may not call themselves substance abuse treatment practitioners, directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners or substance abuse treatment practitioners. During the residency, residents shall use their names and the initials of their degree, and the title "Resident in Substance Abuse Treatment" in all written communications. Clients shall be informed in writing of the resident's status, the supervisor's name, professional address, and phone number.

8. Residents shall not engage in practice under supervision in any areas for which they have not had appropriate education.

D. Supervisory Requirements. A person who provides supervision for a resident in substance abuse treatment shall be licensed as a professional counselor, marriage and family therapist, substance abuse treatment practitioner, school psychologist, clinical psychologist, clinical social worker, clinical nurse specialist or psychiatrist in the jurisdiction where the supervision is being provided. All supervisors shall document two years post-licensure substance abuse treatment experience, 100 hours of didactic instruction in substance abuse treatment, and training or experience in supervision. Within three years of the effective date of this chapter (insert date), supervisors must document a 3 credit hour course in supervision.

1. Supervision by any individual whose relationship to the resident compromises the objectivity of the supervisor is prohibited.

2. The supervisor of a resident shall assume full responsibility for the clinical activities of that resident specified within the supervisory contract for the duration of the residency.

3. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period.

4. The supervisor shall report the total hours of residency and shall evaluate the applicant's competency in the six areas stated in subdivision C 1 of this section.

E. Documentation of supervision.

Applicants shall document successful completion of their residency on the Verification of Supervision form at the time of application. Applicants must receive a satisfactory competency evaluation on each item on the evaluation sheet. Supervised experience obtained prior to (insert effective date of this chapter) may be accepted towards licensure if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered.

**PART III**  
**EXAMINATIONS**

**18 VAC 115-60-90. General examination requirements; schedules; time limits.**

A. Every applicant for initial licensure as a substance abuse treatment practitioner by examination shall pass a written examination as prescribed by the board.

B. Every applicant for licensure as a substance abuse treatment practitioner by endorsement shall have passed an examination deemed by the board to be substantially equivalent to the Virginia examination.

C. The board shall notify all approved candidates in writing of the time and place of the examination.

D. A candidate approved by the board to sit for the examination shall take the examination within two years from the date of such initial board approval. If the candidate has not taken the examination by the end of the two-year period here prescribed:

1. The initial board approval to sit for the examination shall then become invalid; and

2. In order to be considered for the examination later, the applicant shall file a complete new application with the board.

E. The board shall establish a passing score on the written examination.

**18 VAC 115-60-100. Reexamination.**

A. After paying the examination fee, a candidate may be reexamined within an 18-month period without filing a new application.

B. Applicants who fail the examination twice in succession shall document completion of 45 clock hours of additional education or training acceptable to the board, addressing the areas of deficiency as reported in the examination results prior to obtaining board approval for reexamination.

**PART IV**  
**LICENSURE RENEWAL; REINSTATEMENT**

**18 VAC 115-60-110. Renewal of licensure.**

A. All licensees shall renew licenses on or before June 30 of each year.

B. Every license holder who intends to continue to practice shall submit to the board on or before June 30 of each year:

1. A completed application for renewal of the license; and
2. The renewal fee prescribed in 18 VAC 115-60-20.

C. Licensees shall notify the board of change of address within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

**18 VAC 115-60-120. Late renewal; reinstatement.**

A. A person whose license has expired may renew it within one year after its expiration date by paying the penalty fee prescribed in 18 VAC 115-60-20, as well as the license fee prescribed for each year the license was not renewed.

B. A person who fails to renew a license for four years or more and wishes to resume practice shall reapply according to the requirements set forth in 18 VAC 115-60-40 or 18 VAC 115-60-50.

**PART V**  
**STANDARDS OF PRACTICE**  
**UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS; REINSTATEMENT**

**18 VAC 115-60-130. Standards of practice.**

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons licensed by the board shall:

1. Practice in a manner that does not endanger the public health, safety, or welfare.
2. Practice only within the competency areas for which they are qualified by training or experience.
3. Be aware of competencies of practitioners in other fields of practice and make referrals for services, when appropriate.
4. Stay abreast of new developments, concepts and practices which are important to providing appropriate professional services.
5. Terminate a service or consulting relationship when it is apparent that the client is not benefiting from the relationship.
6. Provide to clients only those services which are related to diagnostic or therapeutic goals.
7. Not offer services to a client who is receiving services from other mental health professionals without attempting to inform such other professionals of the planned provision of services.
8. Inform clients fully of the risks and benefits of services and treatment and obtain informed consent to all such services and treatment.

9. Ensure that the welfare of clients is not compromised by experimentation or research involving those clients and conform practice involving research or experimental treatment to the requirements of Virginia Code § 32.1-162.16 et seq.

10. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

11. Inform clients of (i) the purposes of an interview, testing or evaluation session and (ii) the ways in which information obtained in such sessions will be used before asking the client to reveal personal information.

12. Consider the validity, reliability and appropriateness of assessments selected for use with clients and carefully interpret the performance of individuals from groups not represented in standardized norms

13. Represent accurately their competence, education, training and experience.

14. In connection with practice as a substance abuse treatment practitioner, represent to the public only those educational and professional credentials as are related to such practice.

15. Not use the title “Doctor” or the abbreviation “Dr.” in writing or in advertising in connection with practice without including simultaneously a clarifying title, initials, abbreviation or designation or language that identifies the basis for use of the title, such as M.D., Ph.D., D.Min.

16. Announce professional services fairly and accurately in a manner which will aid the public in forming their own informed judgments, opinions and choices and which avoids fraud and misrepresentation.

17. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the disposal of records in a manner consistent with professional requirements.

18. Disclose client records to others in accordance with state and federal statutes and regulations including, but not limited to *Virginia Code § 32.1-127.1:03 Patient Health Records Privacy*; *Virginia Code § 2.1-342(A)(3)*; *Virginia Code § 54.1-2400.1, Virginia Freedom of Information Act*; *42 U.S.C. 290dd-2 Confidentiality of Drug and Alcohol Treatment Records* and *42 C.F.R., Part 2, federal regulations implementing Confidentiality of Drug and Alcohol Treatment Records*.

19. Maintain client records for a minimum of five years from the date of termination of the substance abuse treatment relationship, or as otherwise required by employer, hospital or insurance carrier.

20. Obtain informed consent from clients before (1) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using client records and clinical materials in teaching, writing or public presentations.

21. Not engage in dual relationships with clients, former clients, residents, supervisees, and supervisors that compromise the client's or resident's well being, impair the practitioner's or supervisor's objectivity and professional judgment or increase the risk of client or resident exploitation. This includes, but is not limited to, such activities as treating close friends, former sexual partners, employees or relatives, and engaging in business relationships with clients.

Engaging in sexual intimacies with current clients or residents is strictly prohibited. For at least five years after cessation or termination of professional services, licensees shall not engage in sexual intimacies with a therapy client or those included in collateral therapeutic services. Since sexual or romantic relationships are potentially exploitative, licensees shall bear the burden of demonstrating that there has been no exploitation. A patient's consent to, initiation of or participation in sexual behavior or involvement with a practitioner does not change the nature of the conduct nor lift the regulatory prohibition.

22. Recognize conflicts of interest and inform all parties of obligations, responsibilities and loyalties to third parties.

23. Report to the board known or suspected violations of the laws and regulations governing the practice of licensed or certified health care practitioners.

**18 VAC 115-60-140. Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.**

A. Action by the board to revoke, suspend or decline to renew a license may be taken in accord with the following:

1. Conviction of a felony, or of a misdemeanor involving moral turpitude, or violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of substance abuse treatment, or any provision of this chapter.

2. Procuring of license by fraud or misrepresentation.

3. Conducting one's practice in such a manner as to make it a danger to the health and welfare of one's clients or to the public, or if one is unable to practice substance abuse treatment with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or other type of material or result of any mental or physical condition.

4. Negligence in professional conduct or nonconformance with the Standards of Practice (18 VAC 115-60-130 of this chapter).

5. Performance of functions outside the demonstrable areas of competency.

B. Petition for rehearing. Following the revocation or suspension of a license the licensee may petition the board for rehearing upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached .

**18 VAC 115-60-150. Reinstatement following disciplinary action.**

A. Any person whose license has been revoked or denied renewal by the board under the provisions of 18 VAC 115-60-140 may, two years subsequent to such board action, submit a new application to the board for licensure.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.